



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Certified Mail Number: 7003 3110 0006 2000 5631
Return Receipt Requested

SEP 09 2004

Mr. Dan Summers
Chief Counsel
McDonnell Douglas Corporation
P.O. Box 3707, MS 13-08
Seattle, Washington 98124-2207

SUBJ: General Notice Letter for Focused Feasibility Study and Section 104(e) Information
Request for the Tucson International Airport Area Site, Tucson, Arizona

Dear McDonnell Douglas Corporation:

The United States Environmental Protection Agency ("EPA") has documented a release or threat of release into the environment of hazardous substances at the Tucson International Airport Area Site (the "Site") in Tucson, Arizona, and is spending public funds to investigate and control additional releases and potential releases of hazardous substances, pollutants or contaminants at the Site. Under Sections 106(a) and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), commonly known as Superfund, Potentially Responsible Parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for all costs incurred by EPA in responding to any release or threatened release at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, response and enforcement activities, and interest. PRPs include current and former owners and operators of facilities at which hazardous substances were disposed of, persons who arranged for the disposal of hazardous substances at a facility ("generators"), and persons who accepted hazardous substances for transport to a facility ("transporters"). The purposes of this letter are as follows: first, to notify McDonnell Douglas Corp.¹ of the potential liability, as defined by Section 107(a) of the CERCLA, 42 U.S.C. § 9607(a), that you may have with respect to additional response actions at the Site; second, to inform you of response activities at the Site which you may be asked to perform at a later date; third, to request that you respond to the Information Request

¹ Hereinafter, you or your will be used to refer to McDonnell Douglas Corporation.

enclosed herewith; and fourth to request your attendance at a Site meeting in San Francisco on October 15, 2004.

SITE INFORMATION AND STATUS

You should be familiar with the Site from your involvement in one or both of the following consent decrees. Consent Decree No. Civ. 90-587 TUC-RMB, addressing groundwater in Area A, was entered on June 5, 1991 by the United States District Court for the District of Arizona ("TARP Consent Decree"). The TARP Consent Decree is between United States (including the Air Force) and Tucson Airport Authority, City of Tucson, Hughes Aircraft Company (now known as Raytheon Corporation), and McDonnell Douglass Corporation. Consent Decree No. CIV-99-313-TUC-WDB, addressing soils and shallow groundwater, was entered on February 17, 2000 ("Soils Consent Decree"). The Soils Consent Decree is between the United States (including the Air Force) and Tucson Airport Authority, City of Tucson, General Dynamics Corporation, and McDonnell Douglas Corporation ("Soils Consent Decree").

The TARP Consent Decree addresses volatile organic compound (VOC) contamination in Area A pursuant to the 1988 Groundwater Record of Decision ("ROD"). The Air Force is addressing groundwater contamination south of Los Reales Road pursuant to a separate ROD which was issued in 1985. The TARP Consent Decree, which is currently being implemented by the City of Tucson, requires the Settling Parties (among other things) to do the following pursuant to Section V (Obligations for the Remedial Action): 1) Control Contaminant Migration by extracting all groundwater in Area A that contains volatile organic compounds (VOCs) at levels above their respective maximum contaminant levels (MCLs)²; 2) to restore aquifer water quality in Area A by reducing the chemical contaminant concentrations in Area A to no more than MCLs; and 3) to treat extracted groundwater with packed column aeration to a Trichloroethene (TCE) concentration not to exceed 1.5 micrograms per liter (parts per billion). Section VI.A.1 of the TARP Consent Decree requires the City of Tucson to accept water treated pursuant to the TARP Consent Decree unless it can not be delivered to domestic customers without violating state or federal law.

Due to improvements in laboratory detection methods for 1,4-dioxane in recent years, EPA has discovered that the VOC plume being addressed pursuant to the TARP Consent Decree contains 1,4-dioxane.³ The TARP Consent Decree does not affect Settling Parties' potential liability for the 1,4-dioxane contamination because the covenant not to sue does not cover the

² MCLs are drinking water standards under the Safe Drinking Water Act.

³ 1,4-Dioxane is a hazardous substance under CERCLA. It is classified by EPA as a probable human carcinogen. 1,4-dioxane is used as a solvent itself and as a stabilizer for other solvents, including 1,1,1-trichloroethane (TCA). 1,4-dioxane poses a concern in groundwater remediation because it cannot be readily treated with conventional treatment technologies for VOCs such as air stripping or carbon adsorption.

1,4-dioxane which is commingled with the VOC plume. The covenant not to sue⁴ provided by Section XXIV of the TARP Consent Decree specifically excludes "any removal or remedial actions taken at the Site beyond those required by this ROD, this Consent Decree or amendments thereto."

Furthermore, 1,4-dioxane is excluded from the covenant not to sue provided in the Soils Consent Decree. The covenant not to sue provided in Section XXI of the Soils Consent Decree is limited to the "Site," as that term is defined in the Soils Decree. The Soil Decree's definition of "Site" specifically excludes "the Regional Aquifer or any Covered Matter, as that term is defined in the TARP Consent Decree."

There is currently no Federal or State drinking water standard for 1,4-dioxane. However, Federal advisory levels are available, and several states have also developed their own action levels.⁵ EPA Region 9's Preliminary Remediation Goal (PRG) for 1,4-dioxane is 6.1 parts per billion (ppb). EPA's Health Advisory level for 1,4-dioxane is 3 pbb in drinking water.⁶ Currently, water treated pursuant to the TARP Consent Decree is not being provided to the City of Tucson unless it has 1,4-dioxane levels below 3 ppb.

Since the 1,4-dioxane levels in the plume⁷ are above Region 9's PRGs, the Region has determined that a focused Remedial Investigation / Feasibility Study (RI/FS) needs to be conducted to assess the nature and extent of the 1,4-dioxane plume and to evaluate alternatives to address it. If EPA determines that treatment is necessary and amends the ROD, or publishes an explanation of significant differences (ESD), to add 1,4-dioxane treatment, then the TARP Consent Decree⁸ may need to be amended as well. The focused RI/FS will not address 1,4-dioxane contamination at Air Force Plant 44, as it is currently being addressed by the Air Force.

⁴ The covenant not to sue provided to the Settling Parties by the United States pursuant to Section XXIV of the Consent Decree is limited to "Covered Matters." Covered Matters are limited to the Remedial Action. The Remedial Action is defined as "the design, construction, and operation and maintenance (O & M) of the groundwater extraction and treatment system as generally described in the ROD, and all other tasks to be performed at the Site by the Settling Parties as required by this Decree."

⁵ Arizona does not have an action level for 1,4-dioxane.

⁶ The PRG is a concentration in drinking water that is associated with an excess lifetime cancer risk of 1×10^{-6} . The 6.1 ppb PRG is based on the assumption that an individual is exposed to 1,4-dioxane over a 30 year exposure period. The 3 ppb Health Advisory level is more conservative than the PRG because it is based on the assumption that an individual is exposed over a 70 year lifetime.

⁷ EPA will provide all of the recipients of this notice letter a map depicting the general concentration of 1,4-dioxane at the Site based on currently available data as soon it is available.

⁸ If sources requiring remediation are identified in the focused RI/FS, it may be necessary to modify the Soils ROD and/or the Soils Consent Decree as well.

However, EPA intends to use the risk assessment conducted as part of the focused RI/FS for Air Force Plant 44 as well.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

We anticipate that you will receive an additional notice from EPA in the near future. That notice will either inform you that EPA is using the special notice procedures of Section 122(e) of CERCLA 42 U.S.C. §9622(e), to formally negotiate terms of a consent order or decree to conduct a focused RI/FS, or it will inform you that EPA is not using such procedures pursuant to CERCLA Section 122(a). If EPA does not use Section 122(e) special notice procedures, the letter will specify that special notice was not appropriate in this case and will specify what procedures, if any, will be used. EPA's current plan is to use the Section 122(e) special notice procedures.

Use of the special notice procedures triggers a moratorium on certain EPA activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations for the PRPs to conduct or finance the response activities at the Site. The moratorium for a RI/FS lasts for 60 days after receipt of the special notice letter. If a good faith offer to perform or finance the activities is submitted by the PRPs within those 60 days, an additional 30 days is provided for further negotiations. If EPA determines that a good faith offer has not been submitted within the first 60 days of the moratorium period, EPA may terminate the negotiation moratorium under Section 122(e)(4) of CERCLA. EPA is then authorized to commence such cleanup or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or finance the necessary cleanup activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of Site expenditures.

EPA intends to attach an administrative order on consent ("AOC") for a focused RI/FS to address 1,4-dioxane to the special notice letters. EPA encourages you to begin reviewing the model AOC as it will form the basis of the AOC provided with the special notice letter. The model AOC is available at EPA's website at:

"<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/rev-aoc-rifs-mod-04-mem.pdf>".

INFORMATION REQUEST

You are hereby requested to respond to the Information Request set forth in Attachment A, enclosed herein, pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. § 9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secrets," "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R.

Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully in writing to this request or to justify adequately in writing your failure to respond within 30 days of receipt of this letter may result in enforcement action by EPA pursuant to Section 104 of CERCLA, as amended, 42 U.S.C. § 9604, and/or Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928. Please be further advised that submission of false or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA. The enclosed Information Request is not subject to the Paperwork Reduction Act of 1980, 5 C.F.R. § 1320.3(c).

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA will establish the administrative record that will contain documents that will form the basis of EPA's decision on the selection of a 1,4-dioxane response action for the Site. This administrative record will be open to the public for inspection and comment. The Administrative Record which formed the basis of EPA's decision on previous response actions is available at:

Superfund Records Center
95 Hawthorne Street, Suite 403S
San Francisco, California 94105

and

TCE Library
101 West Irvington
Tucson, Arizona 85714

INITIAL MEETING and STEERING COMMITTEE

EPA encourages coordination among you and the other parties who are potentially responsible for contamination at the Site. EPA also encourages PRPs involved at the Site to form a PRP Steering Committee as soon as possible. EPA believes that a PRP Steering Committee is the best vehicle for establishing and maintaining coordinated and constructive dialogue both within the PRP group itself and between PRPs and EPA. For your information and to facilitate organization we have enclosed the names and addresses of the PRPs receiving this notice letter. (See Attachment B).

EPA will hold an initial meeting with the PRPs on October 15, 2004 from 9:30 a.m. to 12:00 p.m. in EPA Region 9's office at 75 Hawthorne Street, San Francisco, CA 94105. The purpose of this meeting is to discuss the focused RI/FS (and baseline risk assessment) to address

without EPA, so that the PRPs can discuss the Site among themselves and discuss formation of a steering committee, if one has not been formed already.

SMALL BUSINESSES

Attachment C is a Small Business Resources Information Sheet intended to inform small businesses of their rights under the Small Business Regulatory Enforcement Fairness Act (SBREFA) to comment to an Ombudsman about EPA enforcement activity. This information sheet also provides information on compliance assistance available to small businesses. We have included this information sheet without making a determination whether you are a small business as defined by Section 222 of SBREFA or related provisions.

CONTACT INFORMATION

Within fifteen (15) calendar days of the date of this letter, please provide EPA with the name, address, and telephone number of the person to whom EPA should direct future correspondence. Your response to this general notice letter should be directed to:

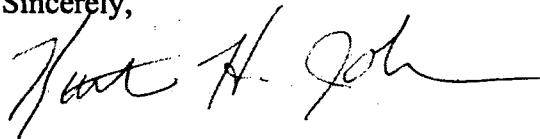
Matthew Jefferson, SFD-8-2
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

Please direct any technical questions with respect to the Site to Matthew Jefferson at (415) 972-3272. If you have any legal questions, please contact Dustin Minor at (415)972-3888, or:

Dustin F. Minor, ORC-3
Assistant Regional Counsel
75 Hawthorne Street
San Francisco, California 94105

Thank you for your attention to this matter.

Sincerely,



Kathleen Johnson, Branch Chief
Federal Facilities and Site Cleanup Branch
Superfund Division

Enclosures: Attachment A: Information Request
Attachment B: General Notice List
Attachment C: Small Business Information Resource Sheet

cc: Dustin Minor, EPA, ORC-3
Matthew Jefferson, EPA, SFD-8-2
William Ellett, ADEQ
Stephen Samuels, DOJ

Federal Natural Resource Trustees:

Ms. Patricia S. Port, United States Department of the Interior
Mr. Michael W. Wayne, Acting Under Secretary of Defense for
Acquisition, Technology, and Logistics
The Honorable Jessie Hill Roberson, Assistant Secretary for Environmental
Management (EM-1), United States Department of Energy
Ms. Laurie Sullivan, Coastal Resource Coordinator, National Oceanic and
Atmospheric Administration
Mr. James Leatherwood, Director, Hazardous Material Management Group,
United States Department of Agriculture
Mr. Stephen Samuels, Environment & Natural Resources Division,
Environmental Defense Section, United States Department of Justice

State Natural Resource Trustees:

Mr. Steve Owen, Director, Arizona Department of Environmental Quality
Mr. Duane L. Shroufe, Director, Arizona Game and Fish Department

PRPs receiving General Notice Letters

City of Tucson
General Dynamics Corporation
McDonnell Douglas Corporation
Raytheon Company
Tucson Airport Authority
U.S. Air Force

ENCLOSURE A

Instructions, Definitions, and Background Information

1. Provide the Best Information Available: Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available.
2. Continuing Obligation to Provide/Correct Information. If additional information or documents become known or available to you subsequent to your initial submission of information, EPA hereby requests that you supplement your response to EPA.
3. The term "Site" refers to the Tucson International Airport Area Site in Tucson, Arizona.
4. The term "you" or "yours" refers to the addressee of this General Notice Letter and Information Request.
5. Background Statement: Solvents, such as 1,1,1-Trichloroethane ("TCA") contain solvent stabilizers. The purpose of the solvent stabilizers is to extend the life of the solvent by preventing reactions from the sun, air and material to be cleaned. Depending on manufacturer of the solvent, TCA contains anywhere from 2% to 8% of 1,4-Dioxane by volume in the solvent mixture. *Source: Solvent Stabilizers White Paper.*

Questions

- 1) Provide copies of all reports, information or data related to soil and groundwater contamination at the Site, as well as any documents containing analysis or interpretation of such data for the following chemicals:
 - a) 1,1,1-Trichloroethane (TCA)
 - b) 1,1-Dichloroethane (DCA)
 - c) 1,1-Dichloroethene (DCE)
 - d) Perchloroethene (PCE)
 - e) Trichloroethene (TCE)
 - f) 1,4-Dioxane

2) Has TCA ever been used at the Site?

- a) If so, is it still being used?
- b) Describe any such use and how it varied over time.
- c) Where was the TCA disposed of?
- d) Provide any information about any releases of TCA at the Site.
- e) If TCA has been detected in the soil and/or groundwater at the Site:
 - 1) What are the most recent results?
 - 2) What are the maximum concentrations detected and where are these concentrations located?

3) Has TCE ever been used at the Site?

- a) If so, is it still being used?
- b) Describe any such use and how it varied over time.
- c) Where was the TCE disposed of?
- d) Provide any information about any releases of TCE at the Site.
- e) If TCE has been detected in the soil and/or groundwater at the Site:
 - 1) What are the most recent results?
 - 2) What are the maximum concentrations detected and where are these concentrations located?

4) Has PCE ever been used at the Site?

- a) If so, is it still being used?
- b) Describe any such use and how it varied over time.
- c) Where was the PCE disposed of?
- d) Provide any information about any releases of PCE at the Site.
- e) If PCE has been detected in the soil and/or groundwater at the Site:
 - 1) What are the most recent results?
 - 2) What are the maximum concentrations detected and where are these concentrations located?

- 5) Has 1,4-Dioxane ever been used at the Site?
- a) If so, is it still being used?
 - b) Describe any such use and how it varied over time.
 - c) Where was the 1,4 dioxane disposed of?
 - d) Provide any information about any releases of 1,4 dioxane at the Site.
 - e) If 1,4 dioxane has been detected in the soil and/or groundwater at the Site:
 - 1) What are the most recent results?
 - 2) What are the maximum concentrations detected and where are these concentrations located?
 - 3) What analytical method is being used?
 - 4) What are the detection limits?
- 6) Has a stabilizer concentrate, such as MaxStab™ by Dow Chemical, ever been used to extend the life of a solvent at the Site?
- a) If so, is it still being used?
 - b) Describe any such use and how it varied over time.
 - c) Where were such stabilizers disposed of?
 - d) Provide any information about any releases of such stabilizers at the Site.
- 7) If 1,1-DCE has been detected in the soil and/or groundwater at the Site:
- a) What are the most recent results?
 - b) What are the maximum concentrations detected and where are these concentrations located?
- 8) If 1,1-DCA has been detected in the soil and/or groundwater at the Site:
- a) What are the most recent results?
 - b) What are the maximum concentrations detected and where are these concentrations located?

ENCLOSURE B

Contacts for General Notice Letters

United States Air Force

Mr. George Warner
Remedial Project Manager
ASC/EMR
1801 Tenth St., Bldg. 8 Ste. 2
Wright-Patterson AFB, Ohio 45433-7626

Mr. Robert A. Lowery
Program Manager
AFCEE/CCR-S
333 Market Street, Suite 625
San Francisco, California 94105-2196

Mr. John M. Smith, Lt Col, USAF
AFLSA/JACE
1501 Wilson Blvd., Suite 601
Arlington, Virginia 22209

Mr. Frank Steele, Esq.
AFMCLO/JAV
Building 11, Room C1
2240 B Street
Wright-Patterson AFB, Ohio 45433

Raytheon Company

Mr. Richard Padilla
Raytheon Missile Systems
1151 East Hermans Road
TU, Bldg. 826
Tucson, Arizona 85706

Ms. Jean Roberts
Raytheon Missile Systems
1151 East Hermans Road
TU, Bldg. 826
Tucson, Arizona 85706

Tucson Airport Authority

Ms. Bonnie Allin, General Manager/CEO
Mr. Fred E. Brinker, Director of Environmental Services
Tucson Airport Authority
7005 South Plummer Avenue
Tucson, Arizona 85706

Ms. Marjorie R. Perry, General Counsel
Snell & Wilmer
1 South Church Avenue, Suite 1500
Tucson, Arizona 85701

General Dynamics Corporation

Mr. David A. Savner
Senior Vice President - Law
General Dynamics Corporation
3190 Fairview Park Drive
Falls Church, Virginia 22042-4523

Ms. Gabrielle Sigel
Jenner & Block, LLP
Re: General Dynamics Corporation
One IBM Plaza
Chicago, Illinois 60611

McDonnell Douglas Corporation

Mr. Dan Summers
Chief Counsel
McDonnell Douglas Corporation
P.O. Box 3707, MS 13-08
Seattle, Washington 98124-2207

City of Tucson

Mr. David L. Deibel
Tucson City Attorney
255 West Alameda, 7th Floor
Tucson, Arizona 85701

Mr. James R. Keene
City Manager
255 West Alameda St.
Tucson, Arizona 85701

Federal Natural Resource Trustees:

Ms. Patricia S. Port
United States Department of the Interior
1111 Jackson Street, Suite #520
Oakland, CA 94607

Mr. Michael W. Wayne
Acting Under Secretary of Defense for Acquisition, Technology, and Logistics
Office of the Under Secretary of Defense
3010 Defense Pentagon, Room 3B944
Washington, DC 20301-3010

The Honorable Jessie Hill Roberson
Assistant Secretary for Environmental Management (EM-1)
United States Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585-0113

Ms. Laurie Sullivan
National Oceanic and Atmospheric Administration
Asst. Coastal Resource Coordinator
75 Hawthorne Street, SFD-8
San Francisco, California 94105

Mr. James Leatherwood, Director
Hazardous Material Management Group
United States Department of Agriculture
1400 Independence Avenue, S.W.
MS-9100, Reporters Room 553
Washington, DC 20250-9100

Mr. Stephen Samuels
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986
L'Enfant Plaza Station
Washington, D.C. 20026-3986

State Natural Resource Trustees:

Mr. Steve Owen, Director
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, Arizona 85007

Mr. Duane L. Shroufe, Director
Arizona Game and Fish Department
2221 West Greenway Road
Phoenix, Arizona 85023-4399

ENCLOSURE C

Small Business Resources Information Sheet



Office of Enforcement and Compliance Assurance **INFORMATION SHEET**

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Programs
<http://www.epa.gov/ttn/sbap>

Compliance Assistance Home Page
<http://www.epa.gov/oeca/oc>

Office of Site Remediation Enforcement
<http://www.epa.gov/oeca/osre>

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman
(800) 368-5888

Hazardous Waste/Underground Tanks/
Superfund
(800) 424-9346

National Response Center
(to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants
Information
(800) 296-1996

Clean Air Technical Center
(919) 541-0800

Wetlands Hotline
(800) 832-7828

Continued on back



U.S. EPA SMALL BUSINESS RESOURCES

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/oeca/ag)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

The Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry

(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center

(1-800-286-6372 or www.paintcenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/>

[smbusi.html](http://www.epa.gov/oeca/smbusi.html)). These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

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| Return Receipt Fee (Endorsement Required) | | |
| Restricted Delivery Fee (Endorsement Required) | | |
| Total Postage & Fees | \$ | |

Sent To **Mr. Dan Summers**

Street, Apt. No.,
or PO Box No. **P.O. Box 3707, MS 13-08**

City, State, ZIP+4 **Seattle, Washington 98124-2207**

PS Form 3800, June 2002 See Reverse for Instructions

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|--|
| <p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Mr. Dan Summers Chief Counsel McDonnell Douglas Corporation P.O. Box 3707, MS 13-08 Seattle, Washington 98124-2207</p> | <p>A. Received by (Please Print Clearly) B. Date of Delivery</p> <p>C. Signature SEP 13 2004</p> <p style="text-align: center;">X</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> |
| <p>2. Article Number (Copy from service label)</p> <p>7003 3110 0006 2000 5631</p> | <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952